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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,912	05/18/2005	Richard J. Krulik	206,662	5421
38137 7590 09/22/2009 ABELMAN, FRAYNE & SCHWAB 666 THIRD AVENUE, 10TH FLOOR NEW YORK, NY 10017				
EXAMINER				
VANTERPOOL, LESTER L				
ART UNIT		PAPER NUMBER		
3782				
MAIL DATE		DELIVERY MODE		
09/22/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/506,912

Applicant(s)

KRULIK ET AL.

Examiner

LESTER L. VANTERPOOL

Art Unit

3782

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-82 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 39, 41-44, 53, 55, 56 and 67-82 is/are rejected.
- 7) ☒ Claim(s) 40, 45-52, 54 and 57-66 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on September 2, 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :02/03/2005; 04/05/2007 & 12/11/2008.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 74 – 82 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 74 – 82 are not method claims and claims 74 – 82 depends from method claim 70.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 39, 41, 42, 44, 53, 55, 56, 67, 68, 69, 70, 71, 72 & 73 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (U.S. Patent Number 1979978).

Martin discloses (a) the flexible strap (2 & 4) having at least first and second end portions (See Figures 9 & 10); and

(b) at least the first strap retractor device ((17) Left Side of the carry case in Figure 10) mounted to at least the first part of the carry case (1), the first strap retractor

device ((17) Left Side in Figure 10) includes at least two coil-type extension springs (16) and arranged to bias the first portion of the strap (2) toward the retracted position (See Figure 9) with respect to the carry case (1), and at least the second strap retractor device ((17) Right Side of the carry case in Figure 10) mounted to the second part of the carry case (1) (See Figure 9) and includes at least two coil-type extension spring (16), the second strap retractor device ((17) Right Side in Figure 10) arranged to bias the second portion of the strap (2 & 4) generally opposite to the first portion of the strap (2) (See Figures 9 & 10).

Regarding claim 41, Martin discloses the second portion of the strap (2) is coupled to the second strap retractor device ((17) Right Side in Figure 10).

Regarding claim 42, Martin discloses the extension springs (16) of the second strap retractor device ((17) Right Side in Figure 10) are coupled to the second portion of the strap (4).

Regarding claim 44, Martin discloses each strap retractor device (17) comprises a housing (i.e. Inner Opening Space of (17) in Figure 10) and each of the extension spring (16) is retained within the housing (i.e. Inner Opening Space of (17) in Figure 10), each of the spring (16) having the first end coupled to the housing (i.e. Inner Opening Space of (17) in Figure 10) and the second coupled to the slider device (16A), the slider

device (16A) adapted to selectively take-up and extend the strap (2) in response to forces applied to the strap (2 & 4).

Regarding claim 53, Martin discloses Martin discloses (a) the housing (i.e. open slot of (17) in Figure 10) mounted on at least one side of the carry case and forming part of the framework structure (1) of the carry case (See Figure 10), the housing (i.e. open slot of (17) in Figure 10) being subdivided into at least two sections (i.e. open section & stitched section), the first section associated with one end portion of the carry case, the second section associated with a second end portion of the carry strap 2);

(b) at least two coil-type extension springs (16) positioned in each of the sections of the housing and having one end coupled to the housing (i.e. open slot of (17) in Figure 10) and the second end coupled to the slider device (4), each slider device (4) being coupled to respective opposed portions of the carry strap (2) and defining the opening for reception of the portion of the carry strap (2); and

(c) the elongated member (i.e. side wall of (1) in Figure 10) fixedly attached to each section of the housing (i.e. open slot of (17) in Figure 10) and oriented transverse to the carry strap (2), the elongated member (i.e. side wall of (1) in Figure 10) being spaced from the respective slider device (4) and being positioned to receive a portion of the strap (2) wrapped there around such that applying opposed forces to the respective end portions of the carry strap (2) causes the carry strap (2) to extend its exposed length as the extension springs (16) become extended, and releasing the opposed forces on the carry strap (2) permits the extension springs (16) to apply inward and

opposed resilient forces to the end portions of the carry strap (2) to cause the opposed portions of the carry strap (2) to return to their stored positions within the housing (i.e. open slot of (17) in Figure 10).

Regarding claim 55, Martin discloses (a) the housing (i.e. open slot of (17) in Figure 10) mounted on each side of the carry case and forming part of the frame structure (1) of the carry case; and

(b) at least two coil-type extension springs mounted within each housing (i.e. open slot of (17) in Figure 10) and adapted to cause two respective opposed end portions of the carry case to be retracted within the housing (i.e. open slot of (17) in Figure 10) when each spring (16) retracts, and to permit each end portion of the carry strap (2) to be extended in directions opposed to each spring (16) when extension forces are applied to each end of the carry strap (2) (See Figure 10).

Regarding claim 56, Martin discloses (a) the flexible strap (2) having the central portion and at least first and second end portions (See Figures 9 & 10);

(b) at least the first strap retractor device ((17) Left Side of the carry case in Figure 10) mounted to at least the first part of the carry case (1), the strap retractor device ((17) Left Side in Figure 10) having the housing (i.e. open slot of (17) in Figure 10) and at least two coil-type extension springs (16) coupled at one end thereof to the housing (i.e. opening slot), and at another end thereof to one end portion of the flexible strap (2 & 4); and

(c) at least the second strap retractor device ((17) Right Side of the carry case in Figure 10) mounted to the second part of the carry case (1) (See Figure 9), the second side being generally opposite the first side, the second retractor device ((17) Right Side in Figure 10) having the housing (i.e. open slot of (17) in Figure 10) and at least two resilient coil-type extension springs (16) coupled at one end thereof to the housing (i.e. opening slot), and at another end thereof to the second end portion and the flexible strap (2);

whereby the first and second end portions of the flexible strap (2) are retracted into each respective housing (i.e. open slot of (17) in Figure 10) by inward force provided by the resilient springs (16) and when outward forces are applied to the flexible strap (2) to cause the first and end portions to move away from the retractable devices (17), the springs (16) become extended so as to permit outward movement of the strap (2) away from the carry case, while providing resilient return force to the strap (2), such that when the outward forces are removed, each end portions of the flexible strap (2 & 4) returns to respective stored positions within each respective housing (i.e. open slot of (17) in Figure 10) and the central portion of the strap between the opposed end portions assumes a position closer to the carry case (See Figure 9).

Regarding claim 67, Martin discloses Martin discloses (a) the carry case; (b) the flexible strap (2) having at least first and second end portions (See Figures 9 & 10); and (c) at least the first strap retractor device ((17) Left Side of the carry case in Figure 10) mounted to at least the first part of the carry case (1), the strap retractor

device ((17) Left Side in Figure 10) includes at least two coil-type extension springs (16) respectively attached to the first portion of the strap (2) toward the retracted position (See Figure 9) with respect to the carry case (1), and the second portion of the strap opposed to the first portion and being attached to the correspondingly opposed second part of the carry case (See Figures 9 & 10).

Regarding claim 68, Martin discloses the second strap retractor device (17) is attached to the second part of the carry case opposed to the first part, and the second end portion of the strap (2) is attached to the second retractor device (17) (See Figure 10).

Regarding claim 69, Martin discloses the first and second retractor devices (17) are mounted to the frame structure (1) of the carry case and concealed within respective parts of the carry case (See Figure 9).

Regarding claim 70, Martin discloses the method step of (a) providing the flexible strap (4) having first and second end portions (See Figure 9);

(b) coupling one first end of the flexible strap (2) to the first retractor device (17) (i.e. Left Side of the Carrying Case (1) in Figure 9), the first retractor device (17) (i.e. Left Side of the Carrying Case (1) in Figure 9) including at least two coil-type extension springs (16) to bias the first end of the strap (2) toward the first retractor device (17) (i.e. Left Side of the Carrying Case (1) in Figure 9);

(c) mounting the first retractor device (17) (i.e. Left Side of the Carrying Case (1) in Figure 9) on the first part of the carry case (1);

(d) coupling the second end portion of the strap (2) to the second retractor device (17) (i.e. Right Side of the Carrying Case (1) in Figure 9), the second retractor device (17) (i.e. Right Side of the Carrying Case (1) in Figure 9) including at least two coil-type extension springs (16) to bias the second end portion of the strap (2) toward the second retractor device (17) (i.e. Right Side of the Carrying Case (1) in Figure 9); and

(e) mounting the second retractor device (17) (i.e. Right Side of the Carrying Case (1) in Figure 9) on the second part of the carry case (1) (See Figure 9).

Regarding claim 71, Martin discloses the method step of the carry case having the frame structure (1) and the first and second retractor devices (17) are mounted to the frame structure (1) (See Figure 9).

Regarding claim 72, Martin discloses the method step of concealing the first and second retractor devices (17) within the respective first and second parts of the carry case (See Figures 9 & 10).

Regarding claim 73, Martin discloses the method step of the carry case being an item of luggage (i.e. case).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (U.S. Patent Number 1979978).

Martin does not disclose the each strap retractor device includes at least three coil-type extension springs.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make each strap retractor device include at least three-coil-type extension springs, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Allowable Subject Matter

7. Claims 40, 45 – 52, 54, 57 – 66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESTER L. VANTERPOOL whose telephone number is (571)272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. L. V./
Examiner, Art Unit 3782

/Nathan J. Newhouse/
Supervisory Patent Examiner, Art Unit 3782

